

REMARKS

Claims 1, 5, 7, 10, 11, 13, 21 and 30 have been amended to improve form and claims 6 and 12 have been canceled without prejudice or disclaimer. Claims 1-5, 7-11 and 13-33 are now pending in this application.

Claims 1-5, 10, 11, 14-17 and 21-24 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Chaturvedi et al. (U.S. Patent No. 6,950,500; hereinafter Chaturvedi '500); claims 1-5, 10, 11, 14-17 and 21-24 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Chaturvedi et al. (U.S. Patent No. 6,950,501; hereinafter Chaturvedi '501); claims 6, 7, 12, 13 and 27-33 have been rejected under 35 U.S.C. § 103 as being unpatentable over Chaturvedi '500 or Chaturvedi '501 in view of Kay et al. (U.S. Patent No. 6,430,602; hereinafter Kay); and claims 8, 9, 18-20, 25 and 26 have been rejected under 35 U.S.C. § 103 as being unpatentable over Chaturvedi '500 or Chaturvedi '501 in view of Hamilton (U.S. Patent No. 6,801,613). The rejections are respectfully traversed.

Claims 1-5, 10, 11, 14-17 and 21-24 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Chaturvedi '500 and Chaturvedi '501. The rejections are respectfully traversed. Claim 1 recites receiving a request from a hearing-impaired party for establishing a communication link to a hearing party. Claim 1, as amended, recites transmitting an interface screen to the hearing-impaired party in response to the request, the interface screen identifying a plurality of instant messaging programs and including a selection area for allowing the hearing-impaired party to select an instant messaging program with which to communicate. A similar feature was previously recited in original claim 6. As to the feature recited in original claim 6, the Office Action admits that

neither Chaturvedi '500 nor Chaturvedi '501 discloses transmitting an interface screen that allows a hearing-impaired party to select an instant messaging program (Office Action – pages 3 and 6). The Office Action, however, states that it is old and well known in the art that various instant messaging programs exist and points to Kay at col. 1, lines 43-58 for support (Office Action – pages 3 and 6). The Office Action further states that it would have been obvious to modify Chaturvedi '500 or Chaturvedi '501 to include an interface screen that includes a selection area for allowing the hearing-impaired party to select the appropriate instant messaging program used by the hearing-impaired party in order to communicate with the communication assistant (Office Action – page 3-4 and 7). The applicants respectfully disagree.

Kay is directed to a method and system for responding to queries from a remotely located user (Kay – Abstract). Kay is not at all related to providing communication services for hearing-impaired parties. Kay at col. 1, lines 43-58 merely discloses that a number of different instant messaging programs exist. This portion of Kay cannot be fairly construed to disclose or suggest transmitting an interface screen that identifies a plurality of instant messaging programs, as recited in amended claim 1. This portion of Kay also cannot be fairly construed to disclose or suggest an interface screen that allows a hearing-impaired party to select an instant messaging program with which to communicate, as further recited in amended claim 1. The mere fact that various instant messaging programs exist, as disclosed in Kay, cannot be fairly construed to disclose or suggest transmitting an interface screen to a hearing-impaired party in response to a request, where the interface screen identifies a plurality of instant messaging programs

and includes a selection area for allowing the hearing-impaired party to select an instant messaging program with which to communicate.

For at least these reasons, the combination of either Chaturvedi '500 or Chaturvedi '501 and Kay does not disclose or suggest each of the features of claim 1.

In addition, even if, for the sake of argument, the combination of either Chaturvedi '500 or '501 and Kay could be construed to disclose or suggest each of the features of amended claim 1, the applicants assert that the motivation for combining and/or modifying the combination of references does not satisfy the requirements of 35 U.S.C. § 103.

For example, the Office Action states that it would have been obvious to modify Chaturvedi '500 or '501 to include an interface screen for allowing the hearing-impaired party to select an instant messaging program "to ensure compatibility and usability" (Office Action – pages 4 and 7). The applicants assert that this motivation is merely a conclusory statement providing an alleged benefit of the combination. In addition, Kay is not at all related to providing services for hearing and speech impaired parties. The applicants assert that the only motivation to combine these disparate references (i.e., Kay with either Chaturvedi '500 or Chaturvedi '501) and then modify the combination as indicated in the Office Action comes from an attempt to reconstruct the applicants' invention using impermissible hindsight.

For at least these reasons, withdrawal of the rejection and allowance of claim 1 are respectfully requested.

Claims 2-5 are dependent on claim 1 and are believed to be allowable for at least the reasons claim 1 is allowable.

Claims 10 and 21, as amended, recite features similar to, but not identical to claim 1. For reasons similar to those discussed above with respect to claim 1, withdrawal of the rejection and allowance of claims 10 and 21 are respectfully requested.

Claims 11 and 14-17 are dependent on claim 10 and claims 22-24 are dependent on claim 21. These claims are believed to be allowable for at least the reasons their respective independent claims are allowable. Accordingly, withdrawal of the rejection and allowance of claims 11, 14-17 and 22-24 are respectfully requested.

Claims 6, 7, 12, 13 and 27-32 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Chaturvedi '500 or Chaturvedi '501 in view of Kay. The rejection is respectfully traversed.

Claims 6 and 12 have hereby been canceled, thereby rendering the rejection of these claims moot. Claims 7 and 13 are dependent on claims 5 and 11, respectively, and are believed to be allowable for at least the reasons claims 5 and 11 are allowable. Accordingly, withdrawal of the rejection and allowance of claims 7 and 13 are respectfully requested.

Claim 27 recites means for transmitting an interface screen to the hearing-impaired party in response to the request, the interface screen including an input area for allowing the hearing-impaired party to input a telephone number for the hearing party and a selection area for allowing the hearing-impaired party to select a text messaging program with which to communicate. Similar to the discussion above with respect to claim 1, neither Chaturvedi '500 nor Chaturvedi '501 discloses means for transmitting an interface screen that includes an input area for allowing the hearing impaired party to

select a text messaging program, as recited in claim 27. Kay, as discussed above, also does not disclose or suggest this feature.

For at least these reasons, the combination of either Chaturvedi '500 or Chaturvedi '501 and Kay does not disclose or suggest each of the features of claim 27.

In addition, even if, for the sake of argument, the combination of either Chaturvedi '500 or '501 and Kay could be construed to disclose or suggest each of the features of claim 27, the applicants assert that the motivation for combining and/or modifying the combination of references does not satisfy the requirements of 35 U.S.C. § 103 for the reasons discussed above with respect to claim 1.

For at least these reasons, withdrawal of the rejection and allowance of claim 27 are respectfully requested.

Claims 28 and 29 are dependent on claim 27 and are believed to be allowable for at least the reasons claim 27 is allowable. Accordingly, withdrawal of the rejection and allowance of claims 28 and 29 are respectfully requested.

Claim 30, as amended, recites features similar to, but not identical to claim 1. For reasons similar to those discussed above with respect to claim 1, the combination of either Chaturvedi '500 or Chaturvedi '501 and Kay does not disclose or suggest each of the features of amended claim 30.

In addition, even if, for the sake of argument, the combination of either Chaturvedi '500 or '501 and Kay could be construed to disclose or suggest each of the features of claim 30, the applicants assert that the motivation for combining and/or modifying the combination of references does not satisfy the requirements of 35 U.S.C. § 103 for the reasons discussed above with respect to claim 1.

For at least these reasons, withdrawal of the rejection and allowance of claim 30 are respectfully requested.

Claims 31-33 are dependent on claim 30 and are believed to be allowable for at least the reasons claim 30 is allowable. Accordingly, withdrawal of the rejection and allowance of claims 31-33 are respectfully requested.

Claims 8, 9, 18-20, 25 and 26 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Chaturvedi '500 or Chaturvedi '501 in view of Hamilton (U.S. Patent No. 6,801,613). The rejection is respectfully traversed.

Claims 8, 9, 18-20, 25 and 26 variously depend on claims 1, 10 and 21 and are believed to be allowable for at least the reasons their respective independent claims are allowable. In addition, these claims recite additional features not disclosed or suggest by the combination of either Chaturvedi '500 or Chaturvedi '501 and Hamilton.

For example, claim 9 recites establishing a conference call between the hearing-impaired party, the communication assistant and the hearing party, the conference call utilizing voice over Internet Protocol. Claim 19 recites a similar feature.

The Office Action admits that neither Chaturvedi '500 nor '501 discloses this feature, but states that it is old and well known to use a VoIP link as an alternative to using the PSTN and points to Hamilton at col. 20, lines 36-58 for support (Office Action – pages 4-5 and 7-8).

Hamilton is directed to techniques for associating a call appearance with data associated with the call (Hamilton – Abstract). Hamilton, therefore, is totally unrelated to the environment of either Chaturvedi '500 or '501. The mere fact that Hamilton at col. 20, lines 36-58 discloses that VoIP provides costs advantages over the PSTN, does not

provide objective motivation as to why it would have been obvious to modify either Chaturvedi '500 or '501 to include features from Hamilton due to the disparate nature of these references.

For at least these additional reasons, the combination of either Chaturvedi '500 or '501 and Hamilton does not disclose or suggest each of the features of claims 9 and 19. Accordingly, withdrawal of the rejection and allowance of claims 9 and 19 are respectfully requested.

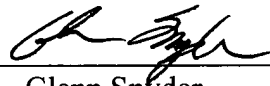
CONCLUSION

In view of the foregoing amendments and remarks, the applicants respectfully request withdrawal of the outstanding rejections and the timely allowance of this application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-2347 and please credit any excess fees to such deposit account.

Respectfully submitted,

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